# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/893,809 | 06/28/2001 | Manish S. Prabhu | MS174294.1 | 7096 |

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| EXAMINER |
|---|
| TRUONG, LECHI |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2194 | |

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/893,809 | PRABHU ET AL. |
| | Examiner | Art Unit | |
| | LeChi Truong | 2194 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>08 April 2005</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>1/10/02 and 9/12/03</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

## DETAILED ACTION

1.      Claims 1-27 are presented for the examination.

### Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.      Claims 9-18 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3.      Claim 9 is directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, comparing, creating can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 21061. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

4.      Claims 23-25  are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

Claims 23 is non-statutory because it is not tangibly embodied in a manner so as to be executable as the only hardware is an intended use statement. Claim 23 recites " A data packet".

A data packet is incapable of being touched or perceived absent the tangible medium through

with they are conveyed; therefore, claim 23 is non-statutory.

5.       Claims 1- 7 and 26-27 are rejected under 35 U.S.C. 101 because they are directed to non-

statutory subject matter.

       Claims 1 and 26 define " the system" in the preamble and the body of claim recites "a

data type identifier", "a data type revolver", " means for determining", " means for producing".

A data type identifier, a data type revolver, the means appear to be software modules, which are

not tangible. Therefore, claim 26 is non-statutory because it recited a system claim that

comprises non-tangible embodiments.

### *Claim Rejections - 35 USC § 103*

       The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.       Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kind (US.

Patent 6,415,434 B1) and further in view of Admitted Prior Art (APA).

7.       **As to claim 1**, Kind teaches the invention substantially as claimed including: data type

(target method 100, col 3, ln 34-40/ ln 57-61, col 10, ln 32-36/ ln 49-54/ col 4, ln 40-55, Fig, 1),

aspect (parameter, data type for each parameter, col 3, ln 34-40/ ln 57-61), mismatched (if none

of the methods having the same name and number of parameters as the target method, col 10, ln

44-47), a data type identifier adapted (method get Method 112, col 4, ln 45-55/ Fig. 1/ type

checking , col 2, ln 55- 60), resolvable data type (resolved method 116, Fig.1), identify(

determine, col 4, ln 45-55), a data type revolver adapter( a revolver 104, ln 4, col 35-44),

resolving the mismatched data type in accordance with the at least one common aspect( if none

of the methods having the same name and number of parameters as the target method... a

candidate method is a method comprising parameter such tat data type of parameter of the target

method can be assigned to a data type of a corresponding parameter of the same candidate

method, col 10, ln 43-53), a data type identifier that identifier whether the first entity and the

second entity have a mismatched resolvable data type( col 10, ln 35-40), the at least one

common aspect(a data type of each of the parameters of the exact method is the same data type

of a corresponding parameter of the target method, col 3, ln 34-40/ parameter that exactly match

the parameters of the target method, col 10, ln 37-41).

8.      Kind does not explicit teach interactions between a first entity and a second entity where

the entities have a mismatches data type. However, APA teaches interactions between a first

entity and a second entity where the entities have a mismatches data type (the client and server

from interacting on the mismatched data type, page 1, ln 16-18).

9.      It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Kind and APA because APA's interactions between a first

entity and a second entity where the entities have a mismatches data type would improve the

flexibility of Kind's system by allowing a need for a system to mitigate problems associated with

mismatched client and server data types.

10.    **As to claim 2,** Kind teaches a client (client machine 300, Fig. 3), a server (server, Fig. 3).

11.    **As to claim 3,** Kind teaches at least one common aspect comprising data and behavior

(Object 1 of type circle, col 11, and ln 47-55/ X int XA, int XB, int XC, col 10, and ln 60-64).

12.    **As to claim 4,** Kind teaches the metadata facilitates identifying (col 10, ln 45-47).

13.    **As to claim 5,** Kind teaches a metadata reader adapter (accessing 120, col 4, ln 50-55),

metadata (candidate method, col 4, ln 55), a resolvable data type (target method parameter, col 4,

ln 50-55), attribute identifying subsystem (col 4, ln 45-50), an attribute populating subsystem

(inheritance relationship and conversion tables 118, col 4, ln 50-55, Fig. 1)

14.    **As to claim 6,** Kind teaches a proxy (a proxy, col 6, ln 48-50), data type is adapted to be

incrementally extensible (col 6, ln 48-52).

15.    **As to claim 7,** Kind teaches an as need basis (a marker that indicated whether

serialization is allowed on a given data type, col 7, ln 30-34).

16.    **As to claim 8,** it is an apparatus claim of claim 1; therefore, it is rejected for the same

reason as claim 1 above.

17.    **As to claim 9,** it is an apparatus claim of claim 1; therefore, it is rejected for the same

reason as claim 1 above. In additional, Kind teaches comparing (match, col 10, ln 30-45), an

object of a third data type (the first data type is assigned to a second data type, col 10, ln 55-64/ a

candidate methods is a method comprising parameters, col 10, ln 45-64), feature common

(inherent, col 10, ln 55-60).

18.     **As to claims 10, 11,** they are apparatus claims of claims 2,3; therefore, they are rejected

for the same reasons as claims 2,3 above.

19.     **As to claims 12, 13,** Kind teaches identifying, comparing one or more attributes or

method associated with first data type and the second data type (col 11, ln 46-55/ col 12, ln 10-

20/ col 10, ln 35-45).

20.     **As to claim 14,** it is an apparatus claim of claim 5; therefore, it is rejected for the same

reason as claim 5 above.

21.     **As to claim 15,** Kind teaches one or more method link (a first data type can be assigned

to second data type, col 10, ln 55-62).

22.     **As to claims 16, 17, 18,** they are apparatus claims of claims 6, 7; therefore, they are

rejected for the same reasons as claims 6,7 above.

23.     **As to claim 19,** it is an apparatus claim of claim 9; therefore, it is rejected for the same

reason as claim 9 above.

24.     **As to claims 20, 21, 22,** they are apparatus claims of claims 6,7; therefore, they are

rejected for the same reasons as claims 6,7.

25.     **As to claim 23,** Kind teaches first data type (a target method, col 11, ln 46-56), a first

field contain information concerning attributes associated with first data type (parameter, col 10,

ln 50-55/ parameter Obj 1, col 11, ln 46-56), data type is adapted to be incrementally extensible

(col 6, ln 48-52), a marker that indicated whether serialization is allowed on a given data type,

col 7, ln 30-34), one or more second fields (a candidate method is a method comprising

parameter, col 10, ln 49-54/col 11, ln 46-55), information concerning method ( col 10 ,ln 49-54/

col 11, ln 46-55), associated with first data type( Circle is a subclass of Shape, col 11 , ln 35-40),

resolved with a second data type having at least one common aspect with the first data type( col

10, ln 50-55/ col 11, ln 60-65/ col 10, ln 38-46/ col 4, ln 51-56).

26.     **As to claims 24, 25,** Kind teaches one or more third fields / four fields (a list of candidate

method, col 10, ln 45-50), in formation concerning one or more data type (col 10, ln 55-60).

27.     **As to claims 26, 27,** they are apparatus claims of claims 19, 22; therefore, they are

rejected for the same reasons as claims 19, 22 above.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi  Truong whose telephone number is (703) 305 5312.  The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

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